



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

RAYMOND G. FORTNER, JR.
County Counsel

October 18, 2007

TELEPHONE
(213) 974-1924
FACSIMILE
(213) 687-7337
TDD
(213) 633-0901

Agenda No. 8
08/28/07

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

**Re: CONDITIONAL USE PERMIT NUMBER 200500139-(5)
FIFTH SUPERVISORIAL DISTRICT - THREE-VOTE MATTER**

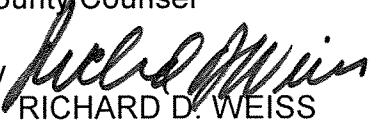
Dear Supervisors:

Your Board previously conducted a hearing regarding the above-referenced permit which proposes the construction, operation and maintenance of a multi-unit commercial building in the Soledad Zoned District. At the completion of the hearing, you indicated an intent to approve the permit and instructed us to prepare findings and conditions for approval. Enclosed are proposed findings and conditions for your consideration.

Very truly yours,

RAYMOND G. FORTNER, JR.
County Counsel

By


RICHARD D. WEISS
Assistant County Counsel
Property Division

APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.
County Counsel

RDW/

Enclosures

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
CONDITIONAL USE PERMIT NUMBER 2-00500139-(5)**

1. The applicants, Mr. Douglas and Ms. Joanna Gaudi, requested a change of zone from A-1-10,000 (Light Agriculture - 10,000 square foot minimum) to C-3-DP (Unlimited Commercial - Development Program) on 1.95 acres. This conditional use permit is required to implement the -DP (Development Program) designation under the proposed C-3-DP zone. The zone change and conditional use permit are requested to authorize the construction and maintenance of a multi-unit commercial building.
2. The subject property is located at 3910 Sierra Highway near the intersection of Sierra Highway and Crown Valley Road. The subject property is located within the unincorporated Antelope Valley, in the Soledad Zoned District.
3. The 1.95-acre subject property is currently vacant and contains sparse vegetation common to disturbed areas.
4. The surrounding properties are zoned as follows:

North: C-3 (Unlimited Commercial), R-3 (Limited Multiple Residence)
South: C-2 (Neighborhood Business), A-1-10,000
East: C-2-DP (Neighborhood Business - Development Program), C-3
West: C-3-DP, C-2-DP
5. Surrounding land uses within a 500-foot radius include:

North: Single- and multi-family residences, commercial
South: State Highway 14, vacant property
East: Carwash, gas station
West: Commercial, vacant property
6. No previous zoning cases have been filed on the subject property.
7. No zoning enforcement cases have been filed on the subject property.
8. The subject property is designated Community Commercial (C) in the Antelope Valley Areawide General Plan. Typical properties designated Community Commercial contain uses which serve adjoining neighborhoods, including supermarkets, drug stores, small retail shops, restaurants and cafes, and branch banks.
9. Applicable goals and policies under the Antelope Valley Areawide General Plan include:

- Encourage an appropriate mix of land use types to prevent disharmony and degradation (Policy Statement 26, Page V-5).
- The proposed site should be appropriately landscaped such that the development blends in to the surrounding landscape as much as possible. Appropriate landscaping should include, whenever practical, materials appropriate to desert environs (3c1, VI -24).
- The proposed site should be appropriately fenced, if necessary (3c2, VI -25).

The Board of Supervisors has found that the requested zone change is appropriate. The subject property is located in a commercially-developed area and will provide convenient services to the surrounding neighborhood. Conditions will be included to assure appropriate landscaping and fencing. The Board finds that the project is consistent with the intent of the Antelope Valley Area General Plan's Community Commercial land use designation and policies.

10. The applicant's site plan, labeled Exhibit "A," depicts the proposed project, including a single-story commercial building, detached accessory storage buildings, and parking lot. The 10,800 square foot commercial building is located in the center of the property. Fifty-six parking spaces are depicted on the site plan. The accessory storage area is shown in the southeast corner of the property and consists of one 1,600-square-foot enclosed storage area and one 1,600-square-foot roofed storage area. One trash enclosure is shown adjacent to the accessory storage area. The septic system and leech field is shown at the southwest corner of the property. Ingress is shown via the westernmost driveway and egress is shown via the easternmost driveway.
11. The proposed project conforms to the development standards of the Acton Community Standards District and the C-3 zone. Any new development shall comply with these standards and all applicable County requirements.
12. The Department of Regional Planning prepared an initial study for the proposal. It was determined that the project may result in significant adverse impacts to the environment absent the inclusion of identified and feasible mitigation measures and that a Mitigated Negative Declaration would be the appropriate environmental document for the proposal under the provisions of the California Environmental Quality Act ("CEQA"). Prior to the release of the proposed Mitigated Negative Declaration for public review, the applicants agreed to project mitigation measures to address fire, flood, and water quality concerns, which when implemented, will ensure that potential adverse impacts will be reduced to less than significant levels. Those measures are included as part of the conditions of approval for this project and are reflected in the Mitigation Monitoring Program for the proposal.

13. In a letter dated December 9, 2006, the Acton Town Council indicated its support for the project. No additional public comments were received at the public hearing held by either the Regional Planning Commission or the Board of Supervisors.
14. The proposed commercial center is an appropriate use for the subject property and will not conflict with uses on the surrounding properties.
15. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits I Section, Los Angeles County Department of Regional Planning.

BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS CONCLUDES:

- A. That the proposed use is consistent with the adopted general plan for the area;
- B. That the requested use at the location proposed will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site; and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the yards, wells, fence, parking and loading facilities, landscaping, and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, THE BOARD OF SUPERVISORS:

1. Indicates that it previously considered and adopted the Mitigated Negative Declaration, certified that it had been completed in compliance with CEQA and the State and County guidelines related thereto, and adopted the Mitigation Monitoring Program prepared for the project; and
2. Approves Conditional Use Permit Number 200500139-(5), subject to the attached conditions.

CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NUMBER 200500139-(5)

1. This grant authorizes the use of the subject property for any use permitted in the C-3 zone as depicted on the approved Exhibit "A," subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning ("Department") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required inspection and processing fees have been paid pursuant to Condition Nos. 9, 10, and 11.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009, or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within 10 days of the filing pay the Department an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the Department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents shall be paid by the permittee in accordance with the Los Angeles County Code Section 2.170.010

6. This grant will expire unless used within two years from the date of approval. A one-year time extension may be requested, in writing and with payment of the applicable fee, at least six months before the expiration date.
7. If any material provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the property owner or permittee shall record the terms and conditions of the grant in the office of the County Recorder. In addition, upon any transfer or lease of the subject property during the term of this grant, the property owner or permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property. Upon recordation, an official copy of the recorded conditions shall be provided to the Director.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. The permittee shall deposit with the County of Los Angeles the sum of \$1,500 within 90 days following the date of approval. These monies shall be placed in a performance fund, which shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. These funds provide for biennial inspections for the term of the grant, for a total of 10 inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible and shall reimburse the Department for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be \$150 per inspection, or the current recovery cost, whichever is greater.

10. Within five days following the approval date of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with section 21152 of the Public Resources Code. The project is not *de minimus* in its effect on fish and wildlife and is not exempt from payment of a fee to the

California Department of Fish and Game pursuant to section 711.4 of the Fish and Game Code. The current fee amount is \$1,850.

11. The permittee shall comply with the attached "Project Mitigation Measures Due to Environmental Evaluation" and the corresponding Mitigation Monitoring Program. The applicant shall deposit the sum of \$3,000 with the Department to defray the cost of reviewing and verifying the information contained in the required mitigation monitoring reports. This deposit is due and payable within 30 days of the approval date of this grant.
12. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant in accordance with Section 22.60.174 of the County Code, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public health or safety or so as to be a nuisance. The permittee shall pay or reimburse the County of all necessary fees associated with such hearing.
13. Within 60 days of the approval date of this grant, the permittee shall submit to the Director for review and approval three copies of an Exhibit "A," similar to that presented at the public hearing, that depicts all required project changes, including: a) project elevations, including verification of the north/south/east/west designations and the patio roof overhang on the elevations for the commercial building and scaled and dimensioned elevations for the outdoor storage facilities and trash enclosure; b) a minimum of 56 parking spaces provided in accordance with the requirements of the County Code; and c) depict the roof overhang on the site plan. The subject property shall be developed and maintained in substantial compliance with the approved Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner.
14. The property shall be developed and maintained in substantial conformance with the approved Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit three copies of the proposed plans to the Director for review and approval. All revised plans must be accompanied by the written authorization of the property owner.
15. The permittee shall submit three copies of a sign plan depicting the location and size of all signage on the property in compliance with the Zoning Ordinance prior to installation of the signage. The signage plan may be incorporated into the Exhibit "A." All signage shall be in compliance with Section 22.44.126-C.6 and Part 10 of Chapter 22.52 of the County Code. Billboards are expressly prohibited.
16. The permittee shall submit a detailed landscape plan to include all disturbed areas. The landscape plan shall utilize drought resistant plants native to the

area and shall be subject to review by the Director prior to approval. Not less than 10 percent of the net area shall be landscaped. For the life of this grant, the permittee shall maintain all landscaping in a neat, clean, and healthful condition, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants when necessary.

17. All fencing on the site shall comply with Section 22.48.160 and shall consist of split rail, open wood, wire, or wrought iron style, unless required otherwise. A minimum of 70 percent of the fence shall be non view-obscuring.
18. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
19. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said department.
20. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works, the Forester and Fire Warden, and the Department of Health Services.
21. The subject facility shall be developed and maintained in compliance with requirements of the Los Angeles County Department of Health Services. Adequate water, sewage, and food storage and handling shall be provided to the satisfaction of said department.
22. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
23. All parking lot and other exterior lighting shall be hooded and directed away from neighboring properties to prevent direct illumination and glare, and shall be turned off within 30 minutes after conclusion of business hours, with the exception of sensor-activated security lights and/or low-level lighting along all pedestrian walkways leading to and from the parking lot. All on-site lighting fixtures shall be provided in the "Western frontier village, circa 1890's style" design. All lighting fixtures within the public right-of-way shall be provided with cut-off "Mission Bell" design features.

24. In the event such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
25. All buildings and structures shall be consistent with "Western frontier village, circa 1890's style" design as required by the Acton Community Standards District.
26. All equipment, including roof-mounted and ground equipment shall be screened from public view with materials consistent with the "Western frontier village, circa 1890's" style.
27. Outside display or display of products or merchandise outside of the commercial building or storage areas is expressly prohibited.
28. Any permitted use in the C-3 zone is allowed on the subject property under this request in accordance with the approved Exhibit "A" or subsequent revised Exhibit "A." Any use subject to a permit under the C-3 zone will require a new conditional use permit.
29. A minimum of 56 parking spaces shall be provided (one space per 250 square feet for general commercial uses). At least three of these spaces shall be reserved for persons with disabilities and at least one shall be van-accessible. All compact spaces shall be labeled accordingly. The required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, automobile repair, or any other unauthorized use. A minimum of one Type A, 12- by 24-foot loading space shall be provided.
30. The permittee shall comply with all Public Works requirements provided in its attached letter dated March 16, 2006, or as otherwise modified by said department.
31. The permittee shall comply with all Fire Department requirements provided in its attached letter dated June 27, 2006, or as otherwise modified by said department.

Attachments



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



November 20, 2006

Bruce W. McClendon FAICP
Director of Planning

**PROJECT MITIGATION MEASURES
DUE TO ENVIRONMENTAL EVALUATION**

PROJECT NUMBER: R2004-00998-(5)

CASE NUMBERS: RENV200400085, RZC200400004, RCUP200500139

The Department of Regional Planning (DRP) staff has determined that the following mitigation measures in the project are necessary in order to assure that the proposed project will not cause significant impacts on the environment.

The permittee shall deposit the sum of \$3000.00 with the Department of Regional Planning within 30 days of permit approval in order to defray the cost of reviewing and verifying the information contained in the reports required by the Mitigation Monitoring Program.

FIRE

Prior to construction, applicant shall submit an updated fuel modification plan, a landscape plan, and an irrigation plan to the satisfaction and approval of the Department of Regional Planning and the Fire Department, Fire Prevention Division.

FLOOD

Prior to the commencement of any grading activity, the applicant shall comply with the drainage concept/Standard Urban Stormwater Mitigation Plan (SUSMP) conceptually approved on September 19, 2005 to the satisfaction of said the Department of Public Works.

WATER QUALITY

At the time of construction, if public sewer is available within 200 feet of the property line, all plumbing and waste water drainage system, on such lot or premises shall be connected to such public sewer.

Prior to the issuance of a building permit, potable water to the entire property shall be supplied through an approved public water system to the satisfaction of the DHS.

Prior to issuance of a building permit, applicant shall demonstrate to the full satisfaction of the Los Angeles County Department of Health Services (DHS) that the proposed private sewage disposal systems shall conform to the requirements of the Los Angeles County Plumbing Code. In the event that the requirements of the plumbing code cannot be met, due to future grading, geological limitations, close proximity of a drainage course, or for any other reason, a building permit shall not be issued. Applicant shall submit a clearance letter to the Department of Public Works from DHS indicating that the project is in compliance with plumbing code to DRP.

Mitigation Compliance

As a means of ensuring compliance of above mitigation measures, the applicant and subsequent owner(s) are responsible for submitting five (5) annual mitigation compliance reports after the issuance of grading permit to DRP for review. Additional compliance reports

are required if the mitigation measures have not been implemented and completed, the applicant and subsequent owner(s) shall replenishing the mitigation monitoring account if necessary.

As the applicant, I agree to incorporate these changes/conditions into the project, and understand that the public hearing and consideration by the Planning Commission will be on the project as changed/conditioned.

Applicant

Date

☒ No response within 10 days. Environmental Determination requires that these changes/conditions be included in the project.



Staff



Date



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
www.ladpw.org

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

March 16, 2006

IN REPLY PLEASE
REFER TO FILE: LD-4

TO: Russell Fricano
Zoning Permits Section I
Department of Regional Planning

FROM: Barry S. Witler *Barry S. Witler*
Transportation Planning and Subdivision Review Section
Land Development Division

CONDITIONAL USE PERMIT NO. R2005-00998

We have reviewed the subject Permit in the Acton area in the vicinity of Sierra Highway and Crown Valley Road (3910 Sierra Highway). This Permit is for the construction of a retail feed store.

If this Permit is approved, we recommend the following conditions:

1. Dedicate the right to restrict vehicular access on Sierra Highway along the property frontage.
2. Repair any displaced, broken, or damaged curb, gutter, sidewalk, and pavement on Sierra Highway along the property frontage to the satisfaction of Public Works.

A revised site plan is required to show the following additional information:

3. Show adjacent and opposite driveways within the vicinity of the property along Sierra Highway.
4. Move the proposed entry driveway far east as possible (towards the east lot boundary) to avoid turning movement conflicts with opposing driveway on north side of Sierra Highway.

Russell Fricano
March 16, 2006
Page 2

5. Call-out to install "ENTER" and Type 1 Arrow pavement markings at proposed entry driveway and "EXIT" and Type 1 Arrow pavement marking at proposed exit driveway. The proposed pavement markings shown on the plan must be relocated and shown within the property line. Provide appropriate signing at proposed entry to restrict egress and proposed exit to restrict ingress.

If you have any questions regarding comments Nos. 3-5, please contact Robert Torres at (626) 300-4794 or Sam Richards at (626) 300-4842.

WH:ik

P:\ldpub\Trans\CUPs\CUPR2005-00998 CONSTRUCTION OF RETAIL FEED STORE

Adrienne



COUNTY OF LOS ANGELES FIRE DEPARTMENT

5823 Rickenbacker Road
Commerce, California 90040

DATE: June 27, 2006

TO: Department of Regional Planning
Permits and Variances

PROJECT #: CUP R2004-00998

LOCATION: 3910 Sierra Hwy.

- ☐ The Fire Department has no additional requirements for this permit.
- ☐ The required fire flow for this development is ____ gallons per minute for _ hours. The water mains in the street, fronting this property must be capable of delivering this flow at 20 pounds per square inch residual pressure.
- ☐ Install __ Public and/or __ On-site and/or __ Verify / Upgrade 6" X 4" X 2 1/2" fire hydrants, conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to final approval.
- ☒ Comments: Per LACWWD #37, existing fire hydrants meet current Fire Department fire flow requirements.
- ☐ Location: _____
- ☒ Access: Access as shown on the site plan is adequate.
- ☒ Special Requirements: Architectural drawings must be submitted to our Fire Prevention Regional Office in Lancaster for approval prior to issuance of any building permits. Contact them at 661-949-6319 for submittal requirements.

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office @ (323) 890-4243.

Inspector: Juan C. Padilla 

Co.CUP 04/04

Land Development Unit – Fire Prevention Division – (323) 890-4243, Fax (323) 890-9783